

96/725
1787 SEC 1C



State of New Jersey

Department of Environmental Protection

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

Land Use Regulation Program
P. O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 777-3555
www.state.nj.us/dep/landuse

October 3, 2002

OCT 04 2002

Lichtenstein Consulting Engineers
45 Eisenhower Drive
Paramus, NJ 07652

Attention: Ronald Giamario, P.E.

RE: Authorization for Freshwater Wetlands Statewide General Permit (FWGP) Nos. 10B, 2, 11, 21, Transition Area Waiver (TAW), and a Water Quality Certification

LURP File No.: 1110-02-0006.1 – 020001 FWGP2, 020002 FWGP10B, 020003 FWGP11, 020004 FWGP21, 020005 TAW

Applicant: NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Project: Route 27 over Harry's Brook
Princeton Township, Mercer County
Millstone River/Carnegie Lake
Raritan River Basin

Dear Mr. Giamario:

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:27A. The proposed activity is authorized by **Statewide General Permit No. 10B, 2, 11, 21, and a Special Activity Transition Area Waiver** for linear development, which authorize activities in freshwater wetlands, transition areas, and/or State open waters for the construction or expansion of road crossings, including attendant features such as shoulders, sidewalks, and embankments, utilities, and drainage structures. **This authorization includes a Water Quality Certification.**

Limit of Authorized Disturbance

The authorized activities are the minimum necessary disturbances to wetlands, State open waters, and transition areas for the temporary relocation of a gas main (0.002 acres FWGP 2), the replacement of a culvert to accommodate a wider roadway with sidewalk and temporary diversion road with riprap scour countermeasures (0.234 acres FWGP 10B), installation of three outfall

structures with energy dissipation aprons (0.006 acres FWGP 11), the temporary relocation of above-ground utility lines (0.039 acres FWGP 21), and transition area disturbances (permanent and temporary) for general construction activities (0.116 acres TAW), according to documents received July 8, 2002 with subsequent revisions received August 20, August 30, and September 20, 2002, and September 30, 2002. This permit authorization is based on the following plan sheets prepared by Ronald Giamario, P.:

- 1 (dated 9/30/02) entitled, "Key Map,"
- 4 (dated 9/30/02) entitled, "Typical Sections,"
- 5-8 (dated 9/30/02) entitled, "Construction Plans,"
- 7 (dated 9/30/02) entitled, "Environmental Plan,"
- 10 (dated 9/30/02) entitled, "Profiles,"
- 11 (dated 9/30/02) entitled, "Ties,"
- 12 & 13 (dated 9/30/02) entitled, "Grades,"
- 30-32 (dated 9/30/02) entitled, "Cross Sections,"
- 34-41 (dated 9/30/02) entitled, "Cross Sections,"
- 42-44 (dated 9/30/02) entitled, "Construction Details,"
- 46 (dated 9/30/02) entitled, "General Plan and Elevation,"

Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 *et. seq.*).

Special Conditions

1. The cartway, shoulder, and side slopes of the roadway shall be the minimum necessary for meeting design safety standards.
2. The total amount of disturbance associated with this authorization shall not exceed 0.281 acres of wetlands and 0.116 acres of transition area.
3. Temporary disturbances including those associated with the temporary diversion road, gas main relocation, and overhead utility lines must be restored through grading and landscaping as necessary and include:
 - (a) The area of temporary disturbance to transition areas must be replanted with native, indigenous species. The areas should be planted with native trees that are known to grow to sufficient height to provide partial shade for the open water areas in the vicinity.

This replanting shall be performed immediately after activities that will temporarily disturb the environment.

Page three

NJDEP file # 1110-02-0006.1 – 020001 FWGP2, 020002 FWGP10B,
020003 FWGP11, 020004 FWGP21, 020005 TAW

4. From **May 1 thru June 30** of each year, no near stream sediment generating activities shall be conducted that would adversely affect warmwater fish spawning in Harry's Brook or Carnegie Lake during this time.
5. From **November 15 thru April 1** of each year, no work is permitted within the stream and stream banks to protect wood turtle hibernating areas. During **April 1 to June 30 of each year, no work is permitted within NJDEP jurisdictional areas** to protect wood turtles. Construction activities during these restricted periods can be conducted for areas that have been surveyed for the presence of turtles at an appropriate time of year and contained within enclosures that prevent turtles from reentering the construction area. The containment perimeter of such work areas and survey methods will require review by NJDEP prior to conducting work during the restricted periods.
6. The wetland, State open water, and transition area disturbances associated with the temporary gas main relocation and any other temporary excavation shall be no wider than necessary to comply with the United States Occupational Safety and Health Administration safety standards for excavations, set forth at 29 CFR Part 1926, Subpart P. 2.
 - a) The upper-most 18-inches of any temporary excavation is backfilled with the original soil material, where feasible, and otherwise with suitable material that shall be free of toxic pollutants (see CFR 401) in toxic amounts. The excavation must be backfilled to the preexisting elevation.
7. Areas of temporary excavation must be restored with native, indigenous species. The stream bank must be restored with native vegetation and stabilized with the use of bioengineering materials, such as biologs, fiber matting, etc., except where rip rap is required.
8. The temporary storage of equipment, materials, and refueling activities shall not be located in regulated areas of open water, wetlands, or transition areas.
9. Downstream areas must be protected from excess turbidity during construction. Silt fences and turbidity barriers must be installed prior to the commencement of construction activities and encompass work areas.
10. A temporary dewatering basin must be installed for in-stream work where return discharges can release turbid water downstream. Any dewatering requires use of a temporary sediment basin to settle out suspended sediments. The return water is to be discharged to a point on the Carnegie Lake/Harry's Brook encompassed by turbidity barrier.
11. The disposal of excess excavated material and demolition debris must be placed and/or temporarily stockpiled outside of freshwater wetlands, transition areas, State open waters, and areas regulated under the Flood Hazard Area Control Act Rules.

12. The project design and construction will adhere to the conditions contained in the February 6, 2001 letter from the NJDEP Historic Preservation Office to the NJDOT Bureau of Project Management. The conditions include, but are not limited to, the requirements to:

- a) provide a stone masonry facade to be applied to the exterior of the concrete parapet and,
- b) reuse of the existing stone to the maximum extent feasible.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable in accordance with DEP regulations and State law.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.

Page five

NJDEP file # 1110-02-0006.1 - 020001 FWGP2, 020002 FWGP10B,
020003 FWGP11, 020004 FWGP21, 020005 TAW

10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Transition Area


The wetland affected by this permit authorization is of exceptional resource value and the standard transition area or buffer required adjacent to it is 150 feet. This General Permit includes a transition area waiver that allows encroachment only in that portion of the transition area that has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within standard transition areas shall require a separate transition area waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact William Mc Laughlin of our staff at (609) 984-0194, at the address listed above, or by email William.McLaughlin@dep.state.nj.us. Please reference the above file number in all correspondence.

Sincerely,


Robert N. Cubberley
Environmental Scientist 2
Bureau of Inland Regulation

WMcL

- c. Larry Torok
Bureau of Enforcement
Princeton Township Municipal Clerk
Princeton Township Municipal Construction Official



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
(See Issuing Division below)



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1110-02-0006.1FHA020001

Application No.

Issuance Date OCT 04 2006

Effective Date OCT 04 2006

Expiration Date OCT 04 2007

Name and Address of Applicant

NJDOT
1035 Parkway Avenue
Trenton, NJ 08625

Name and Address of Owner

Name and Address of Operator

Location of Activity/Facility (Street Address)

Lot: 23/1/1
Block: 5901/1501/4801
Twp: Princeton
County: Mercer

Issuing Division

Land Use Regulation Program

Statute(s)

NJSA 13:1D-1
NJSA 58:10A-1
NJSA 58:16A-50, et. Seq.

Type of Permit Stream Encroachment

Maximum Approved Capacity,
if applicable

This permit grants permission to:

replace the Route 27 bridge/culvert crossing over Harry's Brook, to construct a temporary diversionary road and three (3) permanent outfall structures within the flood plain of said watercourse, and to install a gas main underneath said watercourse, within Lots 23, 1, and 1 of Blocks 5901, 1501, and 4801, respectively, in the Township of Princeton, Mercer County, New Jersey.

Prepared By:

Peter DeMeo
Peter DeMeo

(See page 5 for Section Chief's signature.)

Revised Date

Approved by the Department of Environmental Protection

Name (Print or Type) _____ Title _____

Signature _____ Title _____

Terms And Conditions

This permit is subject to the following terms and conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.
9. **Limit and Extent of Approval**
 - a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
 - b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.
10. **Method of Construction**
 - a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be

Terms And Conditions

undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.

- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

11. Responsibilities of Applicant

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
 - b. No construction authorized by this permit may begin until the enclosed **permit acceptance form** has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
 - c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
 - d. The enclosed **construction notice** shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
 - e. The enclosed **completion report** shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.
12. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.

Terms And Conditions

13. Prior to the start of construction, the applicant must obtain written approval from the Land Use Regulation Program for the use of the mechanical water quality devices proposed for each outfall structure.
14. After construction of the replacement bridge is completed, the applicant must remove the diversionary road and restore the disturbed area to its pre-existing condition.
15. Dewatering is necessary for excavated areas to install the structure foundation. The applicant shall use a temporary sediment basin for settling suspended particulates prior to discharge. The return water shall be discharged in a way that will prevent scour erosion or increased turbidity where the discharge eventually enters nearby regulated areas of Carnegie Lake. The area of Carnegie Lake to receive return water from the dewatering operation shall be fully enclosed with a turbidity barrier to protect the warmwater fisheries.
16. Soil erosion controls will be installed prior to construction.
17. From May 1 through June 30 of each year, no near stream sediment generating activities shall be conducted that would adversely affect warmwater fish spawning in Harry's Brook or Carnegie Lake during this time.
18. From November 15 through April 1 of each year, no work is permitted within the stream or stream banks to protect wood turtle hibernating areas. During April 1 to June 30 of each year, no work is permitted within NJDEP jurisdictional areas to protect wood turtles. Construction activities during these restricted periods can be conducted for areas that have been surveyed for the presence of turtles at an appropriate time of year and contained within enclosures that prevent turtles from reentering the construction area. The containment perimeter of such work areas and survey methods will require review by NJDEP prior to conducting work during the restricted periods.
19. The drawings hereby approved are twenty-six (26) sheets prepared by Lichtenstein Consulting Engineers, Inc., dated September 30, 2002, unrevised, unless otherwise noted, entitled:

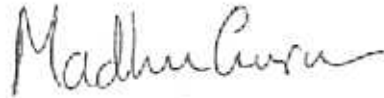
"NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 27 SECTION 1C"

"CONSTRUCTION PLANS", Sheets 5 through 8 of 57,
"ENVIRONMENTAL PLAN", Sheet 9 of 57,
"PROFILES", Sheet 10 of 57,
"TIES", Sheet 11 of 57,
"GRADES", Sheets 12 and 13 of 57,
"LANDSCAPE PLANS", Sheets 30 through 32 of 57,
"CROSS SECTIONS", Sheets 34 through 41 of 57,
"CONSTRUCTION DETAILS", Sheets 42 through 44 of 57,
"SUBSURFACE PROFILES", Sheet 1 of 1, dated May 22, 2002,

"NEW JERSEY DEPARTMENT OF TRANSPORTATION BUREAU OF STRUCTURAL ENGINEERING GENERAL PLAN AND ELEVATION ROUTE 27 SECTION 1C PRINCETON TOWNSHIP NEW JERSEY", Sheet 46 of 57, and

Terms And Conditions

"NEW JERSEY DEPARTMENT OF TRANSPORTATION SECTIONS AND SUMMARY
OF QUANTITIES ROUTE 27 SECTION 1C PRINCETON TOWNSHIP NEW JERSEY",
Sheet 37 of 38, dated April 24, 2002.



Madhu Guru, PE, Section Chief
Bureau of Inland Regulation

10/4/02
Date